

In the United States District Court
For the Western District of MichiganJames H. Sims #258763Lakeland Correctional Facility141 First Street, Coldwater, MI. 49036

(Enter above the full names of all plaintiffs, including prisoner number, in this action.)

v.
Carmen Morales; Aaron Freeman; Corey Walendzik;Cameron Stuck; Ohadway Kendall & Associates (KathrynKendall); Spartan Nash Corporation; Family Fare(s)

(Enter above the full name of the defendant or defendants in this action.)

COMPLAINT

I. Previous Lawsuits

CAUTION: The Prison Litigation Reform Act has resulted in substantial changes in the ability of individuals to initiate lawsuits in this and other federal courts without prepayment of the required filing fee. Accurate and complete responses are required concerning your litigation history. Generally, a plaintiff who fails to accurately and completely answer the questions set forth below will result in denial of the privilege of proceeding *in forma pauperis* and require you to pay the entire \$350 filing fee regardless whether your complaint is dismissed.

- A. Have you ever filed a lawsuit while incarcerated or detained in any prison or jail facility? Yes ☐ No ☒
- B. If your answer to question A was yes, for each lawsuit you have filed you must answer questions 1 through 5 below. Attach additional sheets as necessary to answer questions 1 through 5 below with regard to each lawsuit.
1. Identify the court in which the lawsuit was filed. If it was a state court, identify the county in which the suit was filed. If the lawsuit was filed in federal court, identify the district within which the lawsuit was filed.
N/A
 2. Is the action still pending? Yes ☐ No ☐
 - a. If your answer was no, state precisely how the action was resolved: N/A
 3. Did you appeal the decision? Yes ☐ No ☐
 4. Is the appeal still pending? Yes ☐ No ☐
 - a. If not pending, what was the decision on appeal? N/A
 5. Was the previous lawsuit based upon the same or similar facts asserted in this lawsuit? Yes ☐ No ☐

If so, explain: N/A

II. Place of Present Confinement Lakeland Correctional Facility

If the place of present confinement is not the place you were confined when occurrence that is subject of instant lawsuit arose, also list the place you were confined: Kent County Correctional Facility

FILED - GR

February 18, 2016 11:35 AM

CLERK OF COURT

U.S. DISTRICT COURT

WESTERN DISTRICT OF MICHIGAN

BY: mkc SCANNED BY: [Signature]

KAREN KOWALSKI
NOTARY PUBLIC, STATE OF MI
COUNTY OF BRANCH
MY COMMISSION EXPIRES JUN 29, 2021
ACTING IN COUNTY OF

1:16-cv-174

Janet T. Neff - U.S. District Judge

Ellen S. Carmody - U.S. Magistrate Judge

III. Parties

A. Plaintiff(s)

Place your name in the first blank and your present address in the second blank. Provide the same information for any additional plaintiffs. Attach extra sheets as necessary.

Name of Plaintiff James H. Sims #258763

Address Lakeland Correctional Facility, 141 First St., Coldwater, MI. 49036

B. Defendant(s)

Complete the information requested below for each defendant in this action, including whether you are suing each defendant in an official and/or personal capacity. If there are more than four defendants, provide the same information for each additional defendant. Attach extra sheets as necessary.

Name of Defendant #1 Aaron Freeman

Position or Title Police Officer

Place of Employment Wyoming, MI. Police Department

Address 2300 Dehoop Ave. S.W., Wyoming, MI. 49509

Official and/or personal capacity? Personal

Name of Defendant #2 Carmen Morales

Position or Title Warrant Officer

Place of Employment Wyoming, MI Police Department

Address 2300 Dehoop Ave. S.W., Wyoming, MI. 49509

Official and/or personal capacity? Personal

Name of Defendant #3 Corey Walendzik

Position or Title (Sgt.) Police Officer

Place of Employment Wyoming, MI Police Department

Address 2300 Dehoop Ave S.W., Wyoming, MI. 49509

Official and/or personal capacity? Personal

Name of Defendant #4 Duhadway Kendall & Associates

Position or Title Kathryn Kendall (Owner)

Place of Employment Duhadway Kendall & Associates

Address 5160 Falcon View Ave. S.W., Grand Rapids, MI 49512-5450

Official and/or personal capacity? Personal

Name of Defendant #5 Cameron Stuck

Position or Title Loss Prevention Detective

Place of Employment Duhadway Kendall & Associates

Address 5160 Falcon View Ave S.W., Grand Rapids, MI. 49512-5450

Official and/or personal capacity? Personal

(SEE ATTACHMENT FOR CONTINUATION)

(CONTINUATION FROM PAGE 2)

Name of Defendant #6 Spartan Nash Corporation

Position or Title Cameron Stuck - Loss Prevention Detective

Place of Employment (Employer)

Address Unknown

Official and/or personal capacity? Personal

Name of Defendant #7 Family Fare

Position or Title Cameron Stuck - Loss Prevention Detective!

Place of Employment (Employer)

Address 2900 Burlingame Ave. S.W., Wyoming, MI 49509

Official and/or personal capacity? Personal

Name of Defenant #8 Family Fare

Position or Title Cameron Stuck - Loss Prevention Detective

Place of Employment (Employer)

Address 1148 28th St. S.W., Wyoming, MI 49509

Official and/or personal capacity? Personal

IV. Statement of Claim

State here, as briefly as possible, the facts of your case. Describe how each defendant is personally involved. Include also, the names of other persons involved, dates and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Use as much space as you need. Attach extra sheets if necessary.

On April 9th, 2015, while shopping at the Family Fare Grocery Store a Loss Prevention Detective called the Wyomino, MI. Police Department and stated that I was intending to commit a Retail Fraud. I was falsely arrested for Retail Fraud 1st without probable cause and the evidence or elements that I committed a crime was not met and did not justify my arrest.

1). Carmen Morales (Police Warrant Officer) on April 9, 2015 violation of my 14th, 8th and 5th Amendment.

2). Aaron Freeman (Arresting Police Officer) on April 9th, 2015 violation of my 14th, 8th and 5th Amendment.

3). Corey Walendzik (Sgt. Arresting Officer) on April 9th, 2015 violation of my 14th, 8th and 5th Amendment.

4). Cameron Stuck (Loss Prevention Detective) on April 9th, 2015 violation of my 14th, 8th and 5th Amendment.

5). Duhadway Kendall & Associates (Employer) on April 9th, 2015 violation of my 14th, 8th and 5th Amendment.

6) Spartan Nash Corporation (Employer) on April 9th, 2015 violation of my 14th, 8th and 5th Amendment.

7) Family Fare(s) (Employer) on April 9th, 2015 violation of my 14th, 8th and 5th Amendment.

V. Relief

State briefly and precisely what you want the court to do for you.

I respectfully ask this court to find as a matter of fact and law that the accused Defendants did indeed violate my constitutional rights and by doing so is subject to award me the Plaintiff for compensation and punitive damages.

2/11/2016
Date

James H. Sims
Signature of Plaintiff

NOTICE TO PLAINTIFF(S)

The failure of a *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal.